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# Hon. SAMUEL F. MILLER,

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N E W Y O R K.

IN THE

# HOUSE OF REPRESENTATIVES,

FEBRUARY 26, 1877.



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W A S H I N G T O N.

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S P E E C H   O F

**HON. SAMUEL F. MILLER,**  
OF NEW YORK,  
IN THE HOUSE OF REPRESENTATIVES,

February 26, 1877,

On the bill (H. R. No. 748) to apply the proceeds of sales of public lands to the education  
of the people.

**MR. MILLER.** Mr. Speaker, however fortunate we may have been in settling the disputed claims to the Presidency, I trust it will not lead us into the presumption of tempting fortune further by allowing greater dangers to exist unchallenged until they threaten us with impending ruin.

To-day I wish to call the attention of the House and of the country to evils that fill all thoughtful and patriotic minds with anxiety, and would indeed fill them with alarm if it were not possible by prompt and wise legislation to mitigate and remove them. I ask attention to the lack of facilities for even a common-school education over a great portion of our country, to the alarming amount of illiteracy among our population, and especially do I ask you to consider the fact that nearly 20 per cent. of the voters in this boasted land of freedom and intelligence cannot read the names of the candidates on the ballots they cast.

Does this statement exaggerate the evil or overrate its extent? Let me appeal to the facts shown by the last census. The Commissioner of Education furnished in his report for 1872 a table compiled and computed from the census of 1870 showing for each State and Territory the percentage of illiterates to total population over ten years of age. The footings of the columns in this table show the result for the whole country. Listen to some of these figures. The percentage of illiterates to total population of the whole country is 20.04 per cent. In the State of Delaware the illiterates are 24.95 per cent. of the population; in Maryland, 23.55 per cent.; in the District of Columbia, 28.59 per cent.; in Virginia, 50.10 per cent.; in North Carolina, 51.67 per cent.; in South Carolina, 57.64 per cent.; in Georgia, 56.06 per cent.; in Mississippi, 53.91 per cent. Now, Mr. Speaker, can anything be more alarming than these figures, in-

less it be the fact that since this exhibit was made the General Government has done little or nothing to aid the States struggling with this great question ?

We have been taught by the fathers that the success and stability of free institutions rest upon the intelligence of the people. Can we contemplate with indifference the fact that one-fifth of the entire population of the country cannot even read and write ; that in several of the great States of this Union more than one-half of the people have not taken the first steps of a common-school education. I know that the General Government can have no control of the school systems of the several States. The whole management of these institutions must remain with the local authorities, where the responsibility rests ; but the General Government can and should, as it has often done before aid the States in this work, and especially those States that have by the new condition of affairs had thrown upon them greater duties and responsibilities in educational matters than they can meet by their own unaided, straitened resources. To my mind, Mr. Speaker, the necessity for immediate action is most urgent. I am not committed to any particular plan, so that it is just to all sections and meets the necessities of the situation.

I have carefully read the bill presented by the distinguished gentleman from Virginia, (Mr. WALKER,) and it seems to me to meet these requirements and I therefore give it my humble support and trust before the close of the session I may have the opportunity to give it my vote.

The bill reads as follows :

**A bill to apply the proceeds of sales of public lands to the education of the people.**

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the net proceeds of the public lands are hereby forever consecrated and set apart for the education of the people: *Provided*. That this act shall not have any effect to repeal, impair, or suspend any law now authorizing the pre-emption of public lands, or the entry of public lands for homesteads, nor as limiting in any manner the power of Congress to alter or extend the right of homestead upon such lands: *And provided further*, That nothing contained in this section shall be held to limit or abridge the power of Congress over the public domain, or interfere with granting bounty lands.

SEC. 2. That the Secretary of the Interior shall cause an account to be taken at the close of each fiscal year, and ascertain the total receipts from the sales or other disposition of the public lands of the United States, including all fees received at the general and district land offices during such year, and the amount of expenditures during said year, incurred or occasioned by the survey, sale, location, entry, or other disposition of such lands, including appropriations for the expenses of the said officers for said year, and shall certify to the Secretary of the Treasury the amount of the net cash proceeds from the sale, entry, location, or other disposition of such lands as aforesaid after deducting such expenses and expenditures.

SEC. 3. That upon the receipt of such certificate the Secretary of the Treasury shall, on or before the 31st day of July of each year, apportion to the several States and Territories and to the District of Columbia, upon the basis of population of the said States and Territories, between the ages of five and twenty-one years, the net proceeds of sales of public lands for the previous year: *Provided*, That after five years one-half of said net proceeds and after ten years the whole of the same shall be set apart as an educational

fund, which said fund shall be invested in the bonds of the United States bearing a rate of interest not less than 4 per cent. per annum, both principal and interest payable in coin, the interest on such educational fund only to be appropriated as above provided: *And provided further*, That for the first ten years the distribution of said net proceeds and the interest on said fund to and among the several States, Territories, and District of Columbia shall be made according to the numbers of their respective population, of ten years old and upward, who cannot read and write, as shown from time to time by the last proceeding published census of the United States.

SEC. 4. That the first apportionment under this act shall be made on or before the 31st day of July, 1876; and each of said States and Territories shall be entitled to receive its distributive share of each apportionment, to be paid by the Secretary of the Treasury to its treasurer or other officer authorized by its law to receive the same, whenever thereafter it shall file with the Secretary of the Treasury a certified copy of the law of such State or Territory accepting the provisions of this act and undertaking that the funds provided by the same, whenever paid over to it as above provided, shall be faithfully applied to the free education of all its children between the ages of six and sixteen years. The distributive share of the District of Columbia shall from time to time be paid over to the commission of said District created by act of Congress approved June 20, 1874, entitled "An act for the government of the District of Columbia, and for other purposes," or other officer or officers provided by law, and shall be applied in the same manner as above provided for the States and Territories.

SEC. 5. That to entitle any State, Territory, or the District of Columbia to the benefits of this act, it shall maintain for at least three months in each year a system of free public schools for all the children within its limits between the ages of six and sixteen, and shall, through the proper officer thereof, for the year ending the 30th day of June last preceding such apportionment, make full report of the number of public free schools, the number of teachers employed, the number of school-houses owned and the number of school-houses hired, the total number of children taught during the year, the actual daily attendance, and the actual number of months of the year schools have been maintained in each of the several school districts or divisions of said State, Territory, or District, and the amounts appropriated by the Legislature or otherwise received for the purpose of maintaining a system of free public schools. And if any State or Territory shall misapply, or allow to be misapplied or in any manner appropriated or used other than for the purposes herein required, the funds, or any part thereof, received under the provisions of this act, or shall fail to comply with the conditions herein prescribed, or to report, as herein provided, through its proper officers, the disposition thereof, such State or Territory shall forfeit its right to any subsequent apportionment by virtue hereof, until the full amount so misappropriated, lost, or misappropriated shall have been replaced by such State or Territory, and applied as herein required, and until such report shall have been made; and all apportionments so forfeited and withheld shall be added to and become part of the principal of the educational fund hereby created.

SEC. 6. That nothing contained in this act shall be so construed as to affect in any manner the existing laws and regulations in regard to the adjustment and payment to States of the percentage of the net proceeds of the sales of the public lands within their respective limits, as provided in section 3689 of the Revised Statutes of the United States.

Mr. Speaker, this is the bill, but let me concisely restate two or three of its main provisions.

It will be observed that the net proceeds of sales of public lands, after paying all expenses, are dedicated to the education of the people, but the rights of all pre-emptors under pre-emption laws, and the rights of all settlers under present and future homestead laws are carefully guarded and reserved, as well as the power of Congress over the public domain and its right to grant bounty lands.

It is provided that after five years one-half of the net proceeds and after ten years the whole of the same shall be set apart as an educational fund to be invested in interest-bearing bonds of the United States, and the interest on these bonds is to be apportioned and distributed to the several States and Territories according to the population of each between the ages of

five and twenty-one years as shown by the preceding census, on proof furnished by said State or Territory that it has maintained for at least three months in the preceding year a system of free public schools for all the children within its limits between the ages of six and sixteen years.

For the first ten years the net proceeds and the interest on this educational fund are to be distributed to the several States and Territories, respectively, according to the number of their population over ten years of age that cannot read and write, as shown by the last preceding census of the United States. These are some of the leading features of this bill.

Now, Mr. Speaker, in appropriating public lands or the proceeds of their sale for educational purposes, this bill but follows a long line of precedents commencing before our Constitution was framed and illustrating every decade of our history since its adoption. I, myself, have counted over thirty separate general laws appropriating public lands for the promotion of education, passed since 1800, and there have been during this period many special acts for the same purpose. So we have the authority and indorsement of our greatest and wisest statesmen to the constitutionality and wisdom of this bill, both as to the object to be attained and the property to be used.

There is one feature of this measure that may meet with some criticism and need some explanation. It may be objected that the plan of distribution for the first ten years is unequal and unfair, as it is to be made on the ratio of illiteracy, and not on the ratio of population. It is true that for the first ten years those States where ignorance is the most dense, where education is most needed, will receive the largest proportion of assistance.

To my mind this is no objection to the bill. The States and Territories form one country. One State cannot suffer unless all suffer. No danger can threaten one without menacing the welfare of all. The enlightenment and prosperity of the people of each State in a hundred ways promote the happiness and prosperity of the inhabitants of every other State. These are trite and general truths that every patriot admits and feels. But those States that have the greatest need of aid in educational work have especial claims that appeal to the generosity, nay, rather to the justice of the whole nation. During the last fifteen years those States have undergone a complete revolution, not merely in their laws, but in their entire social organization.

Never, I believe, in all history did a State survive so great changes, made in so short a time, as those that have occurred in the Southern States of this Union. Slavery, while it existed, not only made the education of the colored race impossible, but

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it prevented the establishment of anything like a common-school system for the education of the children of the poor whites outside of the large towns. The children of the masters were educated by private teachers and in higher institutions. The war came and consumed and swept away the accumulated fortunes of a century. It broke up the family and higher schools. It abolished slavery and made the slave a freeman. Reconstruction came, and the freedman was clothed with full citizenship and invested with the responsibilities of the ballot. It was under such circumstances that those States were called upon to provide a common-school system for their people. Never was there greater need, and seldom if ever was there more discouragement. But in spite of all difficulties, and in spite of much opposition, the work has been honestly attempted in all the States, and with full as much success as could be expected under the circumstances, with their crippled resources. And now, sir, they lay before us this bill and ask our assistance. I am ready to meet it.

I freely acknowledge my responsibility as a citizen and a voter in supporting those two great measures that now increase the importance and the burdens of education in those States. We abolished slavery to save the Union. None now mourn its loss; "none so poor to do it reverence." We placed the ballot in the hands of the freedmen, not through malice toward our former enemies, but to save free institutions on this continent. I speak for the northern voter and private citizen, for I was one, and I believe I knew their sentiments. And perhaps it is well that southern Representatives should know the motives that actuated plain Northern voters in that crisis. There seemed to us to be but two ways of dealing with the great problems of reconstruction so as to secure the guarantees that safety demanded: first, to remand the conquered States to the territorial condition indefinitely, to be governed by the central government. But this would destroy free republican institutions in half of the States and endanger them in all. Besides, we did not want any dissatisfied Hungary or down-trodden Poland or subjugated Ireland to be a perpetual source of weakness to the nation. We preferred the other alternative. By removing the disabilities of one race and granting the full rights of citizenship to the other, with amnesty joined with suffrage, we thought to make it possible to rebuild on the basis of equal rights free and prosperous States. I repeat that I admit the responsibility of myself and my constituents for these measures. I still believe they will lead to happy results. I know that a great work remains to be done in the way of education for both races, more than the States unaided can accomplish. I recognize our obligation to aid in this

work. I am ready to meet that obligation now by voting for this bill.

Mr. Speaker, I wish now to call the attention of the House to some circumstances that make this a most auspicious time for granting this assistance ; more favorable, indeed, than any future time can possibly be. A common school system has been organized in each of the reconstructed States. Its means are very limited in many, and inadequate in all. It should not be suffered to die of inanition. Its enemies should not have the opportunity to ridicule its feebleness or to belittle its importance. Again, sir, the newly invested citizens have shown a great desire for the education of their children, and the children an avidity for learning. This laudable ambition should not be allowed to change to indifference from want of opportunities, as quite frequently happens with ignorant people everywhere.

But further, Mr. Speaker, this is a most auspicious time to urge forward the cause of common-school education in these States, because their best men, without regard to party, now acknowledge its importance, and very many give it their encouragement and support. We see this in the reports of State superintendents, messages of governors, and proceedings of Legislatures.

I was very much gratified the other day in reading in the RECORD some philosophical and statesman-like remarks in a speech of the distinguished gentleman from Kentucky, (Mr. WATTERSON.) Of course I do not refer to that part of the speech which was for a party, (for about that we should not agree,) but to that part that was for the country. I wish to quote a few sentences from that speech that illustrate the point to which I am now speaking. In describing the condition of the enfranchised colored citizens in his own State, under wise State management, he says :

Thus by easy stages and by the consent of society the negro presently found himself vested with such legal rights as the States have exclusive power to give ; he was established in the rights which the General Government had given him ; he was made secure in his home, and he is to-day surpassed by no laboring man in any part of the world in the advantages he enjoys for getting on in life. He is sought by all parties—a very popular person indeed with candidates for office. In the city where I live his churches and schools are numerous, well ordered, and well attended. He has no conflicts with the whites. In a word, he is a freeman, a citizen, and a voter.

I have made this quotation not because it is an indorsement of the fifteenth amendment, although it is very satisfactory in that respect, but I have made it to show that many of the leading men of the South not only look with approbation upon the prosperity and education of the colored race, but rejoice in that result. Doubtless this class of men are more numerous in the border States than in the States farther south. But I think this sentiment is advancing, and will soon extend over the entire

country. I trust this bill will strengthen it, for only with support of the best citizens of the States can the success of the common-school system be speedy and satisfactory. I would do nothing to lessen their supervision, or their responsibility, or their honor in this work, and I support this feature of the bill that the General Government may aid their people in carrying a necessary burden that they might feel was too heavy for them to bear in their present crippled condition.

Mr. Speaker, there will probably be found, as there always has been, a few men in every community who will oppose any general system for the education of the people; a few aristocrats who prefer to hold their position by a kind of divine right, independent of the opinions and voices of the people who surround them. Then there may be a few indolent young men, joined with certain fellows of the baser sort, who do not want to be put to the trouble of further mental exertion, and dislike to see the gap closed up that separates them from those who started life with less advantages. These join in Hamlet's complaint, that "the toe of the peasant comes too near the heels of the courtier; he galls his kibe." Now, sir, the only answer to all this in a free democratic country is, move on or get out of the way. No man has the moral right to obstruct the path of progress to those below him to suit his indolence, his convenience, or his selfishness. In a free country progress is the law, and whoever cannot keep step in the march must fall out of the ranks and go to the rear. But such opposers of a general system of education may for a moment embarrass, but cannot prevent its success when once it secures the approval and support of the best citizens in the state and community.

Mr. Speaker, I believe the fruits of this bill will be good, and only good. The education of the laboring classes, whoever they may be, will not only increase the happiness of individuals and families, but will promote the material prosperity of the State. The education of the laborer doubles the value of his labor, both to himself and the country. I have heard a good deal since I have been here about our duty to aid in developing the resources of the South—to restore and build up its waste places; but, sir, I know of no waste so broad as this waste of ignorance, and no place where a little assistance would do so great and permanent a good. Other plans and projects can wait until the nation is in a more prosperous condition, but this brooks no delay. Other interests, when in order, can be heard on their merits, but until a general common-school system is in successful operation in each of the States this must be the question of paramount importance, the question of the highest privilege, that must take precedence of all others.

Again, sir, the benefits of a common-school system will not be deferred to another generation, as many suppose. The education of the children will be a source of elevation and enlightenment to the parents. No father, however ignorant, can feel an interest and pride in the education of his children and take a part in the support of their school without being made a better man and a better citizen. The poorest cabin in the land will be made a better home by the presence of the humblest scholar and the most elementary book. Besides, in hundreds of cases the rule of nature will be reversed, and the child will become the teacher of the parents. And in all cases the desire for education, even for others—the discussion of educational questions, the effort to build the school-house and support the local school—all tend to improve the character of the humblest citizen, to give him more self-respect and respectability, and to develop in him some of the higher and better qualities of human nature.

I have been told by some of my southern friends that the freedmen are vicious, and that they are especially deficient in a correct appreciation of the rights of property. I have no doubt that in many cases this is true. Slavery was indeed a very poor school in which to learn the duties of freedom, and the very worst school in the world in which to get any true conception of the rights of property. But the remedy for this is not to remand them to slavery or to leave them in ignorance, but to give them education. It is always cheaper for the state to educate the child than to punish the criminal or support the pauper. And while it is true that education will not wholly prevent crime and pauperism, it has always been found true in all states that the percentage of illiteracy among the inmates of prisons and almshouses is ten times greater than in the population at large. Now, while it is the duty of the State to punish the violators of its laws, it may well be thought a duty to give its subjects opportunities for an education sufficient at least to enable them to read the laws they are compelled to obey. There was a curious old puritanic law of old colonial Connecticut which relieved the child from the penalty of death for striking a parent if it appeared on the trial that the parent had totally neglected the education of the child. The lesson suggested may be as applicable to states as to parents.

Mr. Speaker, however much in our sore need we may have felt indebted to the Peabody fund and other private gifts, yet the education of a whole people is too great a work, both in its importance and in the resources required, to be met by the donations of private individuals, however generous. A system of elementary education requires a steady, uniform support, not

dependent upon the caprice of fashion or the fluctuating prosperity of business, or any of those uncertainties that might make the donations of the benevolent fall off when most needed. Patriotic philanthropy has indeed a noble field for the use of wealth in the domain of education, but it is in supplementing the work of the state by founding higher schools and colleges and institutions for special training. Its work begins where that of the state ends. The state furnishes that education that is necessary for all in the common affairs of life, while wealthy philanthropy may be trusted to furnish that higher culture that is necessary for special duties. As the country increases in prosperity we may expect to see more and more of these acts of beneficence that dignify the pursuit of wealth for noble ends, and perpetuate through after years the good deeds as well as the name of the giver. This, indeed, is noble benevolence, that, like mercy, is twice blessed—"It blesseth him that gives and him that takes." This bill does not limit or trespass upon its domain, but it increases the number to appreciate and admire its deeds.

Mr. Speaker, no institution of our country has received greater credit and honor from statesmen and publicists of foreign lands than the free-school system of the several States. This bill will aid to make it still more an American institution by extending its blessings to every hamlet and settlement of the whole country. It will give our people another object of common interest and common pride. It will make our people more homogeneous—having a common education, a common culture, and a common literature. May we not expect that this aid will tend to bind States to the General Government, not by force, but by gratitude, and make all sections and all races more devoted to the great Republic and to its free institutions, that are the source and guarantee of all our civil blessings. I hail and support this bill as a harbinger of peace and good will between states and between races. And with peace assured, with a hearty union of all for the good of all, there is no height of prosperity for our people or of glory for our country that we may not anticipate and attain. But, sir, in the supremest hour of our triumph there will be no institution to which we can look back with more pride and gratitude as a chief means of our success than to this which we will to-day foster and encourage by the passage of this bill. Glorious, thrice glorious country, when the rights of freeman are secured to all thy people and the opportunities for education to all thy children; for "wisdom and knowledge shall be the stability of thy times."

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